



May 25 2006

Mr. Sean Sokolowski  
Capital School District  
945 Forest Street  
Dover, De 19904

RE: PLUS review – PLUS 2006-04-12; Capital School District

Dear Mr. Sokolowski:

Thank you for meeting with State agency planners on May 3, 2006 to discuss the proposed plans for the Capital School District Site to be located west of Cheswold on Route 42, approximately ¼ mile west of Delaware Route 15.

According to the information received, you are seeking comments regarding the proposed site to determine the feasibility of locating a school for the Capital School District.

These comments reflect only issues that are the responsibility of the agencies represented at the meeting. Any development of the site will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Kent County is the governing authority over this land, the school district will need to comply with any and all regulations/restrictions set forth by the County.

#### **Executive Summary**

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. *Our office*

*notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.*

### **State Strategies/Project Location**

- This proposed school site is located partially in Investment Level 3 and mostly in Investment Level 4 according to the *Strategies for State Policies and Spending*. The site is also partially within, but mostly outside of the Kent County Growth Zone. For this site to be a viable school location it would have to be located completely within the Kent County Growth Zone and have access to appropriate infrastructure, such as County sewer. It is recommended that the District and the owner work with Kent County through the comprehensive plan update process, which is scheduled to begin in the near future.

### **Street Design and Transportation**

- Route 42 is classified as a collector road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore they will require right-of-way dedication along the frontage to provide any additional width needed from this project.
- The plan for the development should include a 10-foot wide shared use path in a 15-foot wide permanent easement across the frontage of the site.
- The District's site engineer should contact Mr. Brad Herb, the DelDOT project manager for Kent County, regarding their specific requirements for access. Given the site's proximity to the intersection of Route 42 and Kenton Road and that much of the site traffic would be coming from the south on Kenton Road, DelDOT recommends that this be done early in the site planning process. It appears that access to the site is feasible. However, the road improvements needed along Route 42 could be greater than they would be for a site located elsewhere. Therefore it would be to the District's advantage to determine what will be needed as early as possible in their planning. Mr. Herb may be reached at (302) 266-9600.

### **Natural and Cultural Resources**

- Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands on this parcel. These wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. A 100-

foot vegetated buffer should be implemented from the edge of the wetland complex. A wetlands field delineation is highly recommended; this delineation should be verified by the U.S. Army Corps of Engineers through the Jurisdictional Determination process.

- This site has three potential locations for discharging stormwater, but none of those discharge locations are good. There are documented drainage concerns in the area surrounding this parcel. The school district should investigate the discharge conditions with their designer and the Drainage Program to determine if offsite improvements to drainage systems will be necessary to allow a discharge of runoff from this site in the developed condition.

The following are a complete list of comments received by State agencies:

**Office of State Planning Coordination – Contact: David Edgell 739-3090**

This proposed school site is located partially in Investment Level 3 and mostly in Investment Level 4 according to the *Strategies for State Policies and Spending*. Investment Level 3 indicates locations where growth is expected in the longer term future, and/or areas with environmental constraints. Investment Level 4 areas are intended to remain in rural or agricultural use. The site is also partially within, but mostly outside of the Kent County Growth Zone. Public facilities, such as schools, are generally suitable only in Investment Levels 1, 2 and 3.

This site is at the edge of the Kent County Growth Zone, and is clearly in a transitional area. It is likely that in future years the Growth Zone and the *State Strategies* designation in this area will be adjusted to accommodate changes in growth patterns and infrastructure investments. For this site to be a viable school location it would have to be located completely within the Kent County Growth Zone and have access to appropriate infrastructure, such as County sewer. It is recommended that the District and the owner work with Kent County through the comprehensive plan update process, which is scheduled to begin in the near future.

Our office supports the concept of identifying and securing school sites well in advance of their need. We also recognize the generosity of the property owner, and commend his commitment to public education and to ensuring adequate community infrastructure is in place well in advance of growth. We look forward to working with the property owner, the District, and the County through the plan update process.

Due to a variety of site related concerns detailed in this letter (drainage, outfalls, sewer access among others) it is recommended that the District undertake a preliminary

evaluation of the site to further explore these issues. Our office will assist the district in accomplishing this evaluation to the extent that we or other State agencies can be helpful.

**Division of Historic and Cultural Affairs – Contact: Alice Guerrant 739-5685**

This parcel contains the Jonathan Moore House (K-1291; Beers Atlas of 1868), although it may have been demolished recently. There may be archaeological remains associated with this house. The parcel is across Seven Hickories Rd. from the T. H. Denny House (K-1290; Beers Atlas). Another T. H. Denny House (K-1374; Beers Atlas, also known as Mount Pindar) is listed in the National Register of Historic Places and is earlier, dating to about 1790; this property is about 2000' west of this parcel. There are areas of medium to high potential for prehistoric-period archaeological sites on this parcel.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Moore House, usually a good distance behind or to the side of the house. The school district should be aware of Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out. The Division of Historical and Cultural Affairs will be happy to discuss these issues with the school district; the contact person for this program is Faye Stocum, 302-736-7400.

If the school district uses any federal funds for this project, it will be required to consult with this office under Section 106 of the National Historic Preservation Act of 1966 (as amended) and may be required to undertake an archaeological survey and recordation of any remaining historic buildings or outbuildings on the parcel. If federal funds are not being used, we would appreciate an opportunity to record any historic buildings prior to any demolition activity, and to look for archaeological sites to learn something about their location, nature, and extent prior to any ground-disturbing activity. We request that the parcel be screened with sufficient landscaping to block any adverse visual or noise effects from the nearby historic properties.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

- 1) Route 42 is classified as a collector road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore they will require right-of-way dedication along the frontage to provide any additional width needed from this project.

- 2) The plan for the development should include a 10-foot wide shared use path in a 15-foot wide permanent easement across the frontage of the site.
- 3) The District's site engineer should contact Mr. Brad Herb, the DelDOT project manager for Kent County, regarding their specific requirements for access. Given the site's proximity to the intersection of Route 42 and Kenton Road and that much of the site traffic would be coming from the south on Kenton Road, DelDOT recommends that this be done early in the site planning process. It appears that access to the site is feasible. However, the road improvements needed along Route 42 could be greater than they would be for a site located elsewhere. Therefore it would be to the District's advantage to determine what will be needed as early as possible in their planning. Mr. Herb may be reached at (302) 266-9600.

**The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071**

**Soils**

It is recommended that you have the soils on the site tested to determine the location and extent of developable area(s).

**Wetlands**

Statewide Wetland Mapping Project (SWMP) maps indicate the presence of palustrine wetlands on this parcel. These wetlands provide water quality benefits, attenuate flooding and provide important habitat for plants and wildlife. A 100-foot vegetated buffer should be implemented from the edge of the wetland complex. A wetlands field delineation is highly recommended; this delineation should be verified by the U.S. Army Corps of Engineers through the Jurisdictional Determination process.

Impacts to Palustrine wetlands are regulated by the Army Corps of Engineers through Section 404 of the Clean Water Act. In addition, individual 404 permits and certain Nationwide Permits from the Army Corps of Engineers also require 401 Water Quality Certification from the DNREC Wetland and Subaqueous Land Section and Coastal Zone Federal Consistency Certification from the DNREC Division of Soil and Water Conservation, Delaware Coastal Programs Section. Each of these certifications represents a separate permitting process.

To find out more about permitting requirements, the applicant is encouraged to attend a Joint Permit Process Meeting. These meetings are held monthly and are attended by federal and state resource agencies responsible for wetland permitting. Contact Denise Rawding at (302) 739-9943 to schedule a meeting.

### **Water Supply**

The project information sheets had no information given and were unsure at this time of how water would be provided to the project. DNREC records indicate that the project site is not located in an area where public water service is available. Any public water utility providing water to the site must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. Should an on-site public well be needed, it must be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

### **Sediment and Erosion Control/Stormwater Management**

This site has three potential locations for discharging stormwater, but none of those discharge locations are good. There are documented drainage concerns in the area surrounding this parcel. The school district should investigate the discharge conditions with their designer and the Drainage Program to determine if offsite improvements to drainage systems will be necessary to allow a discharge of runoff from this site in the

developed condition. Practices that promote recharge are the preferred practices for stormwater management, and portions of this site may be suited to construction of infiltration practices, but all infiltration practices still need a location to discharge excess runoff from storms exceeding the design events. The school district is encouraged to contact Jim Sullivan and/or Elaine Webb, Drainage and Stormwater Section, at 302-739-9921 to schedule a site review.

### **Nuisance Waterfowl**

If stormwater management ponds are part of the site plan they may attract waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short manicured lawns around ponds provide an attractive habitat for these species, so careful consideration should be made as to how close the ponds are placed to mowed play areas or athletic fields. We recommend the ponds be located well away from these areas and have a buffer of tall vegetation around the perimeter (native plantings of tall grasses, wildflowers, shrubs, and trees). Waterfowl do not feel safe when they can not see the surrounding area for possible predators. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, the school district or land managers will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

### **State Fire Marshal's Office – Contact: Duane Fox 739-4394**

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for (business/educational/assembly/healthcare/multi-family) sites, the

infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 3-stories of more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Seven Hickories Rd must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

d. **Gas Piping and System Information**

- Provide type of fuel proposed, and show locations of bulk containers on plan.



e. Required **Notes**:

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.delawarestatefiremarshal.com](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.

**Department of Agriculture - Contact: Milton Melendez 698-4500**

Part of the proposed school site is currently in an area designated as Level 4 under the *Strategies for State Policies and Spending*. In most cases, the *Strategies* and the Kent County Comprehensive Plan do not support this type of isolated development in this area. Senate Bill No. 305, passed by the 142<sup>nd</sup> General Assembly in June of 2004, requires the State Department of Education, State Budget Office, and Office of State Planning Coordination to approve all new school locations. That approval process requires them to consider: the State's Comprehensive Plan, the state's land use and development goals and policies, and several other factors.

It is the Department's understanding that Kent County will be modifying its Comprehensive Plan to include the proposed site location within their designated growth area. If this occurs, and the State Department of Education, State Budget Office, and Office of State Planning Coordination approve this site for a new school, then the Delaware Department of Agriculture has no objection to this project.

**Public Service Commission - Contact: Andrea Maucher 739-4247**

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

**Department of Education – Contact: John Marinucci 739-4658**

The Department of education supports and encourages the conveyance of land, Tax Parcel ID numbers 3-00-04600-02-0106-00001, 3-00-04600-02-0107-00001 and 3-00-04600-02-0109-00001 to be acquired for future use should the Capital School District's student population growth and trends warrant additional school capacity. The DOE support of this property conveyance is conditional at this time due to the fact that a portion of the three contiguous properties are outside the growth zone as defined by the State Strategies for Policies and Spending. Should a future successful modification to the Kent County comprehensive plan reclassify the entirety of the three subject tax parcels as within the growth zone as defined by the State Strategies for Policies and Spending, then the DOE support for this land conveyance would become unconditional.

The support of the DOE for this property conveyance does not override, supplant or supersede the requirements of Title 29, Chapter 75, Section 7509 and/or Section 7510, Delaware Code, Title 14, Section 401 Delaware Administrative Code and the Delaware Department of Education Construction Manual.

The comments in this letter are offered as advisory comments to help the school district determine the feasibility of this property for a school site. If the district chooses to move forward with this site, the Budget Office, the Department of Education, and the State Planning Office would need to approve this location. In addition, the site plan for the proposed school would need to be reviewed through the Preliminary Land Use Service (PLUS).

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP  
Director

CC: Town of Cheswold  
Kent County